

# DECLARATION AND POWER OF ATTORNEY

Atty. Dkt. No.: 9948-000017

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe that I am the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### A METHOD FOR ENHANCING POULTRY PRODUCTION

the specification of which (check one)

- ☐ is attached hereto.  
or  
☒ was filed on February 8, 2002 as Application Serial No. or PCT International Application No. 10/072,433 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

## DECLARATION AND POWER OF ATTORNEY

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:


PRIOR PROVISIONAL APPLICATION(S)	
APPN. SERIAL NO.	DATE FILED (MM/DD/YYYY)
60/267,912	02/09/01

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below:


PRIOR U.S. APPLICATION(S)		
APPN. SERIAL NO.	DATE FILED (MM/DD/YYYY)	STATUS - PATENTED, PENDING, ABANDONED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## POWER OF ATTORNEY

I hereby appoint each practitioner at Customer No. 27572 (  ) of Harness, Dickey & Pierce, P.L.C., my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

## CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572 (  ), Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

## DECLARATION AND POWER OF ATTORNEY

Full name of sole or first inventor: Brad W. Lorton

Inventor's signature: 

Date: April 5, 2002

Residence: 58680 Glenriver Dr., Goshen, Indiana 46528

Citizenship: United States of America

Mailing Address: 58680 Glenriver Dr., Goshen, Indiana 46528

Full name of second inventor: Curtis R. Wenger

Inventor's signature: 

Date: 4/5/02

Residence: 19869 Peach Ridge Rd., Goshen, Indiana 46526

Citizenship: United States of America

Mailing Address: 19869 Peach Ridge Rd., Goshen, Indiana 46526

Form PTO-1595  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)

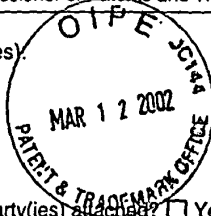
RECORDATION FORM COVER SHEET  
PATENTS ONLY

Attorney Docket No. 9948

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please Record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
CTB, Inc.



Additional name of conveying party(ies) attached? ☐ Yes ☐ No

2. Name and address of receiving party(ies)

Name: CTB IP, INC.

Internal Address:

Street Address: 300 Delaware Ave., 9<sup>th</sup> Floor

City: Wilmington State: Delaware Zip: 19801

Additional Name(s) & address(es) attached? ☐ Yes ☐ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date(s): 10-01-2001

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

B. Patent No.(s)

5,544,686	5,769,590
6,039,647	5,893,399
6,102,195	

Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Stephen J. Foss

Internal Address: Harness, Dickey & Pierce, P.L.C.

Street Address: P.O. Box 828

City: Bloomfield Hills State: MI Zip: 48303

6. Total number of applications and/or patents involved: 21

7. Total fee (37 CFR 3.41) .....\$ 840.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account

8. The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayments to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Stephen J. Foss

Name of Person Signing

Signature

March 6, 2002

Date

Total number of pages including cover sheet, attachments, and documents: 9

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

## BILL OF ASSIGNMENT

THIS BILL OF ASSIGNMENT ("Agreement"), effective October 1, 2001, (the "Effective Date"), is made and entered into by and between CTB, Inc., an Indiana Corporation, (hereinafter "CTB"), and CTB IP, Inc., a Delaware corporation, (hereinafter the "Company").

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CTB hereby conveys, transfers, assigns, and delivers to the Company, and its successors and assigns, as a capital contribution and the Company hereby receives, accepts and assumes, all the assets and liabilities, if any, described on Exhibit A hereof ("Capital Contribution") to have and to hold forever, including said trademarks and tradenames together with the good will of the business symbolized by said trademarks and tradenames. The Capital Contribution also includes the entire right, title and interest in the United States of America to the inventions as described in the patents identified in Exhibit A and any extensions thereof as fully and entirely as the same would have been held by CTB had this assignment and sale not been made. The Capital Contribution further includes all past causes in action associated with the assets set forth in Exhibit A.

CTB hereby covenants and agrees to and with the Company, and its successors and assigns, to do, execute, acknowledge and deliver, or to cause to be done, executed, acknowledged and delivered, to the Company, and its successors or assigns, all such further acts, deeds, conveyances, transfers, assignments, powers of attorney and assurances as may reasonably be requested by the Company in order to facilitate and evidence the conveyance, transfer, assignment and delivery, or to aid and assist in collecting or reducing to possession, any or all of the CTB assets included within the Capital Contribution.

This Agreement shall be binding upon and inure to the benefit of the respective successors and assigns of CTB and the Company.

IN WITNESS WHEREOF, CTB and the Company have caused this Bill of Assignment to be duly executed as of the date first above written.

CTB, INC.

By: Don J. Steinhilber  
Don J. Steinhilber  
Vice President and  
Chief Financial Officer

CTB IP, INC.

By: Gary R. Mallory  
Gary R. Mallory  
President

# Exhibit A

## CTB Patents

<u>Acct.#</u>	<u>CASE #</u>	<u>SERIAL #</u>	<u>FILING DATE</u>	<u>TITLE</u>	<u>PATENT #</u>	<u>ISSUED</u>	<u>MAINT. FEE</u>	<u>EXPIRES</u>
10.2641.300	1	08/126,270	9/24/1993	Even Fill (Fill Deflector) (Method & Apparatus for Distributing Granular Material Within a Container)	5,421,379	6/6/1995		9/24/2013
10.2641.300	1WO/POA	US9,410,765	9/23/1994	Even Fill (Fill Deflector) (Method & Apparatus for Distributing Granular Material Within a Container)	N/A			Nationalized
10.2641.300	1/CPB	08/373,787	1/17/1995	Even Fill (Fill Deflector) Method and Apparatus for Storing Material within a Container which is Exposed to Rain	5,608,359	2/18/1997		2/18/2014
10.2641.300	1/CPC	08/801,953	2/18/1997	Even Fill (Fill Deflector) Method and Apparatus for Maintaining Uniform Mass Flow of Granular Material out of a Container	5,906,293	5/25/1999		9/24/2013
10.2641.218	2	08/160,397	12/1/1993	Turbo Fan (Method and Apparatus for Circ. Air)	5,567,200	10/22/1998		12/1/2013
10.2641.300	3	29/013,481	9/24/1993	Even Fill (Fill Deflector) Design Apparatus for Distributing Granular Material Within a Container	D365,575	12/26/1995		12/26/2009
10.2641.218	4	29/015,903	12/1/1993	Turbo Fan (Design Motor Mounting for a Fan Assy.)	D363,982	11/7/1995		11/7/2009
10.2641.218	5	29/015,911	12/1/1993	Turbo Fan (Design Motor Mounting for a Fan Assy.)	D363,117	10/10/1995		10/10/2009
10.2641.218	7	08/183,125	1/18/1994	Super Selector (Method and Apparatus for Controlling Temperature within Poultry House)	5,492,082	2/20/1996		1/18/2014
10.2641.218	9	08/545,340	10/19/1995	Spring Lock (Storage Bin w/ Retractable Lid Assy.)	5,839,597	11/24/1998		10/19/2015
10.2641.218	10	29/049,328	1/23/1996	(EZ Fan) Fan	D410,077	5/18/1999		5/18/2013
10.2641.300	12	09/099,971	6/19/1998	Idler Pulley for a Conveyor Assembly	6,273,244	8/14/2001		6/19/2018
10.2641.300	13	09/294,750	4/19/1999	Method and Apparatus for Enabling Opening and Closing of a Hinged Door	6,061,968	5/16/2000		4/19/2019
10.2641.300	15	09/822,378	3/30/2001	Method and Apparatus for Adjustably Directing Granular Material Out of a Container and Reducing Outlet Pressure in a Container	N/A	Pending		N/A
10.2641.300	16	09/836,516	4/17/2001	Intermediate Discharge for an Enclosed Roller Belt Conveyor Assembly	N/A	Pending		N/A
10.2641.218	17	60/267,912	2/9/2001	(Black-Out Fan) A Method for Enhancing Poultry Production	2/9/2001	Provisional		2/9/2002

# Exhibit A

## CTB Patents

<u>Acct.#</u>	<u>CASE #</u>	<u>SERIAL #</u>	<u>FILING DATE</u>	<u>TITLE</u>	<u>PATENT #</u>	<u>ISSUED</u>	<u>MAINT. FEE</u>	<u>EXPIRES</u>
10.2641.300				Dust Control System	5,544,686	8/13/1996		11/3/2014
10.2641.300				Grain Sweeper Device Apparatus	5,769,590	6/23/1998		8/29/2016
10.2641.300				Grain Sweeper Device Apparatus	6,039,647	3/21/2000		7/9/2017
10.2641.300				Mech. for Reducing Dust from Grain Bins	5,893,399	4/13/1999		12/22/2017
10.2641.300				Improved Power Belt Conveyor	6,102,195	8/15/2000		3/26/2019

# Exhibit A

## CTB Trademarks

<u>Acct.#</u>	<u>CASE #</u>	<u>SERIAL #</u>	<u>FILING DATE</u>	<u>TRADEMARK</u>	<u>REGISTRATION #</u>	<u>ISSUED</u>	<u>RENEWAL</u>
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10.2461.300				DUSTMASTER	1,959.93	3/5/1996	3/5/2006
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## CTB Tradenames

<u>TRADENAME</u>	<u>Business Unit</u>
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ABC Bin Sweep	GSB
EVEN-FILL™ Material Deflector	GSB
Chore-Time's FLAG™ System	HPS
GENERATION III™ Feeder	HPS
GENERATION 4™ Feeder	HPS



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: Unknown  
Filing Date: Unknown  
Applicant: Brad W. Lorton et al.  
Group Art Unit: Unknown  
Examiner: Unknown  
Title: A METHOD FOR ENHANCING POULTRY  
PRODUCTION  
Attorney Docket: 9948IP-000017/COB

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Director of The United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REFERENCE TO RECORDED  
ASSIGNMENT OF ORIGINAL APPLICATION**

This application is a continuation application of U.S. Application No. 10/360,040, which is a continuation of U.S. Application No. 10/072,433. A prior assignment of the original application is recorded in the U.S. Patent and Trademark Office at Reel 012691, Frame 0023 and a copy of the assignment is provided herewith. This assignment recorded against the original application gives the assignee rights to the subject matter common to all of the related applications.

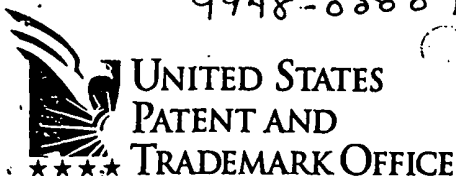
Respectfully submitted,

Dated: 16 SEP 2003

By: Michael E. Hilton  
Michael E. Hilton  
Reg. No. 33,509

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MEH/kq



MAY 15, 2002

PTAS

Commissioner for Trademarks  
Arlington, VA 22202-3513  
www.uspto.gov

HARNES, DICKEY &amp; PIERCE, P.L.C.

STEPHEN J. FOSS

P.O. BOX 828

BLOOMFIELD HILLS, MI 48303



\*102028379A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/12/2002

REEL/FRAME: 012691/0023

NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CTB, INC.

DOC DATE: 10/01/2001

ASSIGNEE:

CTB IP, INC.

300 DELAWARE AVE., 9TH FLOOR

WILMINGTON, DELAWARE 19801

SERIAL NUMBER: 09822378

PATENT NUMBER:

FILING DATE: 03/30/2001

ISSUE DATE:

SERIAL NUMBER: 09836516

PATENT NUMBER:

FILING DATE: 04/17/2001

ISSUE DATE:

SERIAL NUMBER: 60267912

PATENT NUMBER:

FILING DATE: 02/09/2001

ISSUE DATE:

SERIAL NUMBER: 08126270

PATENT NUMBER: 5421379

FILING DATE: 09/24/1993

ISSUE DATE: 06/06/1995

SERIAL NUMBER: 08540427  
PATENT NUMBER: 5608359

FILING DATE: 10/10/1995  
ISSUE DATE: 03/04/1997

SERIAL NUMBER: 08801953  
PATENT NUMBER: 5906293

FILING DATE: 02/18/1997  
ISSUE DATE: 05/25/1999

SERIAL NUMBER: 08160397  
PATENT NUMBER: 5567200

FILING DATE: 12/01/1993  
ISSUE DATE: 10/22/1996

SERIAL NUMBER: 08183125  
PATENT NUMBER: 5492082

FILING DATE: 01/18/1994  
ISSUE DATE: 02/20/1996

SERIAL NUMBER: 08545340  
PATENT NUMBER: 5839597

FILING DATE: 10/19/1995  
ISSUE DATE: 11/24/1998

SERIAL NUMBER: 29013481  
PATENT NUMBER: D365575

FILING DATE: 09/24/1993  
ISSUE DATE: 12/26/1995

SERIAL NUMBER: 29015911  
PATENT NUMBER: D363117

FILING DATE: 12/01/1993  
ISSUE DATE: 10/10/1995

SERIAL NUMBER: 09099971  
PATENT NUMBER: 6273244

FILING DATE: 06/19/1998  
ISSUE DATE: 08/14/2001

SERIAL NUMBER: 29015903  
PATENT NUMBER: D363982

FILING DATE: 12/01/1993  
ISSUE DATE: 11/07/1995

SERIAL NUMBER: 29049328  
PATENT NUMBER: D410077

FILING DATE: 01/23/1996  
ISSUE DATE: 05/18/1999

SERIAL NUMBER: 09294750-  
PATENT NUMBER: 6061968

FILING DATE: 04/19/1999  
ISSUE DATE: 05/16/2000

SERIAL NUMBER: 08333843  
PATENT NUMBER: 5544686

FILING DATE: 11/03/1994  
ISSUE DATE: 08/13/1996

SERIAL NUMBER: 08871219  
PATENT NUMBER: 6039647

FILING DATE: 06/09/1997  
ISSUE DATE: 03/21/2000

SERIAL NUMBER: 09277316  
PATENT NUMBER: 6102195

FILING DATE: 03/26/1999  
ISSUE DATE: 08/15/2000

SERIAL NUMBER: 08697644  
PATENT NUMBER: 5769590

FILING DATE: 08/29/1996  
ISSUE DATE: 06/23/1998

SERIAL NUMBER: 08995318  
PATENT NUMBER: 5893399

FILING DATE: 12/22/1997  
ISSUE DATE: 04/13/1999

SERIAL NUMBER:  
PATENT NUMBER:  
PCT NUMBER: US9410765

FILING DATE:  
ISSUE DATE:

012691/0023 PAGE 3

TONYA LEE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS